

REMARKS

The present application includes pending claims 1-14 and 36-49, all of which have been rejected. By this Amendment, claims 1-2, 4-8, 37 and 39-43 have been amended. In particular, independent claim 1 has been amended to merely correct a minor typographical error, while dependent claims 2, 4-8, 37 and 39-43 have been amended to clarify aspects of the inventions.

Claims 10-11 and 45-46 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Office Action states that "[c]laim 10 and 11 [sic], teach where the first server system includes a service provider and a peripheral manufacturer, respectively. It is unclear based on the amendments to the independent claims, why the service provider and peripheral manufacturer would be operating a television to send commands to a media peripheral." See July 15, 2008 Office Action at page 2.

The Applicants respectfully submit, however, that these claims particularly point out and distinctly claim the subject matter recited therein. For example, claim 10 essentially recites the following:

A method to indirectly control at least one media peripheral via a communication network, the method comprising:
identifying by a first system comprising a server of a media provider and a television, at a first location, the at least one media peripheral communicatively coupled to a second system, at a second location, wherein the first and second locations are separate and distinct from one another;
automatically establishing a communication link between the first system comprising (a) the server of the media provider and (b) the television and the at least one media peripheral;

selecting, using the television at the first location, an operation of the at least one media peripheral;
requesting performance of the selected operation on the at least one media peripheral using the television at the first location;
automatically determining authorization of the performance of the selected operation;
performing the selected operation on the at least one media peripheral if the authorization is successful;
not performing the selected operation on the at least one media peripheral if the authorization is not successful;
creating a user-defined schedule of media using the television at the first location; and
pushing the media to the at least one media peripheral at the second location according to the user-defined schedule of media.

The Applicants respectfully submit that the claim is clear and definite, as shown above. Claims 11 and 45-46 are similarly clear and definite. Any confusion as to "why the service provider and peripheral manufacturer would be operating a television to send commands to a media peripheral" will be dispelled upon a review of the specification of the present application. Thus, for at least these reasons, the Applicants respectfully request reconsideration of this rejection.

Claims 1, 3-10, 12-14, 36, 38-45 and 47-49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2005/0028208 ("Ellis"). Claims 2 and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of U.S. 2004/0003051 ("Kryzanowski"). Claims 11 and 46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of U.S. 6,665,384 ("Daum"). The Applicants respectfully traverse these rejections for at least the following reasons:

Initially, the Applicants note that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is essential that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the *initial review* of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, Office personnel **should state all reasons and bases for rejecting claims in the first Office action.** Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. **Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved.** A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

Manual of Patent Examining Procedure (MPEP) § 2106(II) (emphasis added). As such, the Applicants assume, based on the goals of patent examination noted above, that the Office Action has set forth "all reasons and bases" for rejecting the claims.

Further, independent claim 1 has been amended to merely correct a minor typographical error, as shown above. Independent claim 36 is not currently being amended. Further, dependent claims 2, 4-8, 37 and 39-43 have been amended to clarify aspects of the inventions, as shown above. Therefore, the Applicants respectfully submit that this Amendment does not raise any new issues that would require a further search.

The Applicants now turn to the rejection of claims 1, 3-10, 12-14, 36, 38-45 and 47-49 as being unpatentable over Ellis. Claim 1 recites, in part, "creating a **user-defined schedule of media** using the television at the first location; and **pushing the media** to the at least one media peripheral at the second location **according to the user-defined schedule of media.**" Claim 36 recites similar limitations. Thus, the

claims are clear that a user defines and creates a schedule of media, not just a command to record a program that is to be broadcast or indicating a reminder for a particular program. The media is then pushed to the at least one media peripheral at the second location according to the user-defined schedule created at the first location.

The Office Action cites Ellis at ¶¶ 99 -100 as disclosing these limitations. These paragraphs of Ellis disclose the following:

In an illustrative system configuration using Internet service system 61, remote program guide access device 24 is a user's personal computer at work, Internet service system 61 is a web server at a cable system headend, and user television equipment 22 at the user's home contains a set-top box on which the user's program guide is implemented. Using this arrangement, the user may access features of the program guide such as setting reminders or notifications, viewing listings, program recording, setting favorites, parental control, sending messages, polling for status, or any other suitable function. For example, if a child in the user's home desires permission to watch a parentally controlled program while the user is at work, the user may access a suitable web page provided by Internet service system 61 that allows the user to enter a password and adjust the program guide parental control settings. The changed settings allowing the child access to the desired program are then automatically transferred from Internet service system 61 to user television equipment 22, while the user is still at work.

As another example, the user at work may interact with the program guide on user television equipment 22 via Internet service system 61 to select programs for recording on the user's home videocassette recorder, or to schedule program reminders that will appear on the user's home television or remote program guide access device just before a program is broadcast.

Ellis at ¶¶ 99 -100 (emphasis added). As shown above, the cited portion of Ellis discloses that a user may set reminders with respect to programs that are being broadcast and to select broadcast programs to record. Further, the cited portion of Ellis discloses that a user may adjust parental controls to allow a child to watch a broadcast program. However, there is nothing in the cited portion of Ellis that describes, teaches or suggests that the user his/herself schedules a media lineup that is to be sent to another location. That is, while the cited portion of Ellis discloses that a user may select programs to record or reminders for particular programs, it does not describe, teach or suggest that the user schedules media to be broadcast. Further, even if one assumes that selecting programs to record is scheduling a media lineup, there is nothing in the cited portions of Ellis that describe, teach or suggest that a scheduled media lineup is pushed from a first location to a media peripheral at a second location according to that user-defined schedule.

Thus, the Applicants respectfully submit that the portions of Ellis relied on by the Office Action (namely ¶¶ 99-100) do not describe, teach or suggest “creating a **user-defined schedule of media** using the television at the first location; and **pushing the media** to the at least one media peripheral at the second location **according to the user-defined schedule of media**,” as recited in claim 1, for example. Thus, for at least these reasons, the Applicants respectfully request reconsideration of the rejection of claims 1, 3-10, 12-14, 36, 38-45 and 47-49 as being unpatentable over Ellis.

For at least the reasons discussed above, the Applicants respectfully request reconsideration of the rejection of claims 2 and 37 as being unpatentable over Ellis in

view of Krzyzanowski and claims 11 and 46 as being unpatentable over Ellis in view of Daum.

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. The Applicants expressly reserve the right, however, to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a future rejection).

The Applicants respectfully request reconsideration of the claim rejections. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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